IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

KEN PAXTON, in his official capacity as Attorney General of Texas, et al.)
Plaintiffs,) Civil Action No. 4:22-cv-00143-I
vs.	
STEVEN M. DETTELBACH, in his official)
Capacity as Director, Bureau of)
Alcohol, Tobacco, Firearms and)
Explosives, et al.)
Defendants.)

<u>DEFENDANTS' UNOPPOSED MOTION TO EXTEND DEADLINE</u> <u>FOR REPLY IN SUPPORT OF MOTION TO DISMISS</u>

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, Defendants move to extend their deadline to file a reply in support of their Motion to Dismiss Plaintiffs' Second Amended Complaint by one week, from August 30, 2022 to September 6, 2022. Counsel for Defendants has conferred with counsel for Plaintiffs, and Plaintiffs do not oppose this motion. This is the first request for an extension of this deadline.

This case was filed on February 24, 2022 (ECF 1), and Plaintiffs filed an Amended Complaint on May 17, 2022. (ECF 11). Plaintiffs then filed an unopposed motion for leave to file a Second Amended Complaint on July 1, 2022, (ECF 19), which the Court granted. (ECF 20). Plaintiffs filed their Second Amended Complaint on July 15, 2022. (ECF 22), and Defendants moved to dismiss that operative complaint on August 2, 2022. (ECF 26). Pursuant to Local Rule 7.1, Plaintiffs' response to the operative Motion to Dismiss was due by August 23, 2022. Plaintiffs filed their response to the pending motion a week ahead of their deadline, on

August 16, 2022. (ECF 27). Defendants respectfully seek a one-week extension to file a reply in support of their Motion to Dismiss Plaintiffs' Second Amended Complaint.

Good cause exists for this motion. Plaintiffs' response to the Motion to Dismiss was filed a week earlier than Defendants had anticipated based on the deadline set forth in the applicable rules. Defendants' counsel has multiple pressing court deadlines in other matters during the two weeks following Plaintiffs' response, including: briefing on a motion for preliminary injunction in *United States v. State of Idaho*, 1:22-cv-00329-BLW (D. Id.); and summary judgment briefing in *Grand Canyon University v. Cardona, et. al.*, 2:21-cv-177-SRB (D. Ariz.). A one-week extension would allow Defendants' counsel the necessary time to prepare their reply in conjunction with her other work responsibilities, particularly given the complex and important constitutional issues at stake in this case. Moreover, because the extension sought would maintain the overall schedule contemplated by the local rules, this one-week extension will not cause any undue delay or prejudice.

On August 19, 2022, counsel for the parties conferred by email regarding this motion.

Counsel for Plaintiffs stated that they do not oppose this motion.

Accordingly, Defendants respectfully request that the Court grant this motion for extension of time and set the deadline for Defendants' Reply in Support of their Motion to Dismiss Plaintiffs' Second Amended Complaint for September 6, 2022.

DATED: August 22, 2022 Respectfully submitted,

BRIAN M. BOYNTON Principal Deputy Assistant Attorney General Civil Division

LESLEY FARBY Assistant Branch Director

/s/ Emily B. Nestler

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Counsel for Defendants

CERTIFICATE OF SERVICE

On August 22, 2022, I electronically submitted the foregoing with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

<u>/s/ Emily B. Nestler</u> EMILY B. NESTLER